

SENATE BILL NO. 371

INTRODUCED BY J. TREBAS, D. ZOLNIKOV

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA CLEAN INDOOR AIR ACT OF 1979; LIMITING ENFORCEMENT OF THE ACT TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REVISING PENALTY PROVISIONS; AND AMENDING SECTIONS 50-40-108 AND 50-40-115, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-40-108, MCA, is amended to read:

"50-40-108. Enforcement. The provisions of this part ~~must~~ may be supervised and enforced by the department and the department's designees, local boards of health, and the boards' designees under the direction of the department subject to available resources."

Section 2. Section 50-40-115, MCA, is amended to read:

"50-40-115. Penalties. ~~(1)~~ It is unlawful for a person to smoke in any area where smoking is prohibited under 20-1-220 or 50-40-104. A person who violates 20-1-220 or 50-40-104 is guilty of a misdemeanor and shall be subject to a fine of not less than \$25 or more than \$100.

~~(2) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of Title 50, chapter 40, is guilty of a misdemeanor after a third violation within a 3-year period and shall be warned, reprimanded, or punished as follows:~~

- ~~(a) a warning for the first violation;~~
- ~~(b) a written reprimand for a second violation; and~~
- ~~(c) within any 3-year period, a fine of:
 
  - ~~(i) \$100 for a third violation;~~
  - ~~(ii) \$200 for a fourth violation; and~~
  - ~~(iii) \$500 for a fifth or subsequent violation.~~~~

